

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,  
Plaintiffs,

v.

Adrian Fontes, in his official capacity as  
Arizona Secretary of State, et al.,  
Defendants.

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**AND CONSOLIDATED CASES**

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No. CV-22-00509-PHX-SRB  
**ORDER**

Eight days after the Court issued its Order finding a waiver of their legislative privilege and ordering production of requested documents and their depositions, Intervenor-Defendants, Speaker of the Arizona House Ben Toma and President of the Arizona Senate, Warren Petersen filed their Motion to Stay Pending Appeal declaring their intention to seek of Writ of Mandamus from the Ninth Circuit Court of Appeals. If their request for a stay is denied, Intervenor-Defendants ask the Court to stay its September 14, 2023 Order for 10-days<sup>1</sup> to allow them to submit an emergency Motion to Stay to the Court of Appeals. Non-U.S. Plaintiffs responded in opposition on September 25, 2023. The Arizona Secretary of State also filed his opposition on September 25, 2023. Because

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<sup>1</sup> Presumably Intervenor-Defendants want the Court to stay its September 25, 2023 Order for 10-days from the date of its Order denying the Stay. If granted, the Court's Order requiring production of documents and depositions would be stayed until at least October 6, 2023, one month before the start of trial.

1 Intervenor-Defendants requested an expedited ruling and because the Court finds the  
2 Motion to Stay without merit, it will not await a Reply before issuing this denial.

3 Intervenor-Defendants' arguments that they are likely to prevail on the merits of a  
4 Writ of Mandamus are unpersuasive. They re-argue the arguments already rejected by this  
5 Court in its September 25, 2023 Order. Moreover, as pointed out by the Non-U.S.  
6 Plaintiffs, they have wholly failed to show any likelihood of receiving relief from the Court  
7 of Appeals on a request for the extraordinary relief of mandamus on a discovery order.


8 Trial in this case is set to begin on November 6, 2023. As the parties all agreed, it  
9 is of utmost importance that the issues before this Court are decided in advance of the 2024  
10 elections. Any stay of September 25, 2023 Order could jeopardize that trial date. The  
11 Court is persuaded by the argument of the Secretary of State that production of the  
12 documents under a Protective Order will protect the status quo and allow the parties to  
13 continue their trial preparations.

14 IT IS ORDERED denying Intervenor-Defendants Speaker Toma and President  
15 Petersen's Motion to Stay Pending Appeal. (Doc. 543)

16 IT IS FURTHER ORDERED denying the alternatively requested 10-day stay of the  
17 September 25, 2023 Order.

18 Dated this 26th day of September, 2023.

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Susan R. Bolton  
United States District Judge